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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 12-0322 SBA
)	
Plaintiff,)	STIPULATION CONTINUING
)	STATUS HEARING DATE, WITH
v.)	SPEEDY TRIAL EXCLUSION; AND
)	PROPOSED ORDER THEREON
JAMES ROBERT LEWIS,)	
)	
Defendant.)	

STIPULATION

IT IS STIPULATED by the parties, through undersigned counsel, that:

1. The above-captioned case is currently scheduled for a status conference before the Court on Tuesday, July 10, 2012 at 9:30 a.m.. The government has previously produced discovery, and the parties have agreed (and the Court has ordered) that the period between June 1, 2012 and July 10, 2012 be excluded from the otherwise applicable Speedy Trial Act computation pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). However, the parties have learned that the Court is unavailable on July 10, 2012. Moreover, the government is in the process of providing electronic discovery to defense counsel, in the form of numerous CDs

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1 containing audio and video recordings. Defense counsel will need time to review this discovery,
2 once received, in order to advise his client on how to proceed in this case.

3 2. Accordingly, the parties now stipulate and jointly request that the status
4 conference currently set for July 10, 2012 be vacated, and that the Court set this matter for a
5 status conference on July 13, 2012 at 9:30 a.m. before United States Magistrate Judge Ryu in
6 Oakland.

7 3. Further, the parties stipulate that the period from July 10, 2012 through July 13,
8 2012 be excluded under the Speedy Trial Act, for effective preparation of counsel. The
9 exclusion of time is necessary in light of the time needed to produce and review electronic
10 discovery. The parties agree that the ends of justice served by granting such a further
11 continuance outweighed the best interests of the public and the defendant in a speedy trial. *See*
12 18 U.S.C. § 3161(h)(7)(B)(iv).

13
14 IT IS SO STIPULATED:

15
16 MELINDA HAAG
17 United States Attorney

18
19 DATED: June 7, 2012

20 By: /s/
21 ANDREW M. SCOBLE
22 Assistant United States Attorney

23 DATED: June 7, 2012

24 /s/
25 JAMES PHILLIP VAUGHNS
26 Counsel for the Defendant

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~~PROPOSED~~ ORDER

For good cause shown, the status conference now scheduled for July 10, 2012 is vacated. The matter shall be added to the calendar of United States Magistrate Judge Donna M. Ruy on July 13, 2012 at 9:30 a.m. for status.

For the reasons stated above, the Court finds that an exclusion of time from July 10, 2012 through July 13, 2012 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 6/7/2012



HON. DONNA M. RYU
United States Magistrate Judge
United States District Court Judge